MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

July 6, 2009

DIVISION ONE

1007300-09

The Honorable **RITA J. MILLER**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

August 1, 2009 to August 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Ronald M. George Chief Justice of California and Chairperson of the Judicial Council

DIVISION TWO

B205916 Ishaia Trading Corp. et al. (Not

(Not for Publication)

V.

Anter, et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Chavez, J.

DIVISION TWO (continued)

B207659 People (Not for Publication)

v.

Ruesga

The trial court is ordered to modify the judgment to strike one of the oneyear enhancements imposed pursuant to section 667.5 and send a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

DIVISION FIVE

Court convened at 10:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B212999 Valodia Balabekyan

B212035 DCFS v. E.S.

B214110 In re K.A.

B210747 Cochran v. Delonay

B214468 In re J.D.

B209438 Miller v. Engelbrecht

Argument waived, cause submitted.

B206803 People

v.

Victoria Ferrell, Shannon Plummer and Sandra Whitmus

Merits:

Argued by James Koester and Gerald Peters on behalf of appellants Ferrell and Whitmus, respectively, and by Lance Winters, deputy attorney general, for respondent. Counsel for Plummer waived argument. Cause submitted.

DIVISION FIVE (continued)

Court recessed.

Court reconvened at 10:55 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B209187 Peo v. Gonzales B213080 DCFS v. S.K.

Argument waived, cause submitted.

B210972 David Olan

v.

Steven Zelig

Merits:

Argued by Frank Marchetti for appellant and by Brook Carroll for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

B213913 DCFS v. H.C.

Argument waived, cause submitted.

DIVISION FIVE (continued)

B209221 Harold Stutz

v.

Michael Cloyd

Merits:

Argued by Stanley Bowman for appellant. Respondent waived argument.

Cause submitted.

B207296 People

v.

Edgar Delgado

Merits:

Argued by Robert Moest for appellant and by Timothy Weiner, deputy

attorney general, for respondent. Cause submitted.

Court adjourned.

B202120 Arnulfo Vasquez

(Not for Publication)

v.

Juan Jose Interiano, et al.,

The summary judgment as to Vasquez's complaint is affirmed. The summary judgment as to Interiano's cross-complaint is reversed. Borgman is awarded her costs on appeal as to the Vasquez complaint. Interiano is awarded his costs on appeal as to this cross-complaint.

Mosk, J.

We concur: Turner, P.J.

Kriegler, J.

DIVISION FIVE (continued)

B205314 Unlimited Adjusting Group et al

V.

Wells Fargo Bank, N.A. et al

Filed order denying petition for rehearing.

B212462 James Robinson

v.

Weingart Center et al

Filed order denying petition for rehearing.

DIVISION SEVEN

B205507 People

v.

Hawkins

Filed order denying petition for rehearing.

B208065 Marino

v.

Pro Sports & Entertainment et al.,

Filed order denying petition for rehearing.

B206355 People

v.

Medina et al.,

Filed order denying petition for rehearing.

DIVISION EIGHT

B197592 People

v.

Sanchez

Filed order denying petition for rehearing.

B203476 Derain Clark, et al.,

(Certified for Publication)

v.

American Residential Services LLC et al.,

Jerrson Naluz, et al.,

The order approving the class action settlement agreement and dismissing the case with prejudice is reversed and the matter is remanded for further proceedings consistent with this opinion. Appellants shall recover their costs on appeal, as a joint and several obligation of plaintiffs and defendants.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.

Flier, J.

B207183 Bode

V.

Los Angeles Metropolitan Medical Center

Filed order denying petition for rehearing.

B205927 Amini

v.

Cimarron Escrow, Inc.

Filed order denying petition for rehearing.

DIVISION EIGHT (continued)

B209054 People

v.

Garrett

Filed order recalling remittitur, granting petition for rehearing, and filing appellant's supplemental brief.

1007299-09

The Honorable **HELEN BENDIX**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Eight**, as a justice thereof, on the following dates:

August 1, 2009 to August 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Ronald M. George Chief Justice of California and Chairperson of the Judicial Council